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2019 JUL -3 AM 11:56

U.S. DISTRICT COURT

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UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

-oOo-

United States Of America,

 Plaintiff,

vs.

Gregorio Godinez, and
 Elio Ramirez-Guerrero,

 Defendants.

Case No. 2:19-mj-500-BNW

CRIMINAL COMPLAINT

VIOLATIONS:

Count One:

21 U.S.C. §§ 846, 841(a)(1) and
 (b)(1)(A)(viii)- Conspiracy to Distribute a
 Controlled Substance

Counts Two – Four:

841(a)(1) and (b)(1)(B)(viii) – Distribution
 of a Controlled Substance

Count Five:

21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii)
 Possession of a Controlled Substance with
 Intent to Distribute

Count Six:

18 U.S.C. §§ 924(c)(1)(A)(i) - Possession of
 Firearm in Furtherance of a Drug
 Trafficking Offense

Count Seven:

922(g)(1) and 924(a)(2) – Possession of a
 Firearm by a Prohibited Person

1 BEFORE the United States Magistrate Judge, Las Vegas, Nevada, the undersigned
2 complainant, being duly sworn, deposes and states:

3 Count One
4 (Conspiracy to Distribute a Controlled Substance)

5 Beginning on an date unknown, but prior to May 2019, and continuing up to and
6 including July 2, 2019, in the State and Federal District of Nevada,

7 Gregorio Godinez, and
8 Elio Ramirez-Guerrero,

9 defendants herein, did knowingly and intentionally combine, conspire, confederate, and
10 agree to distribute 500 grams or more of a mixture and substance containing a detectable
11 amount of methamphetamine, a Schedule II substance, in violation of Title 21, United
12 States Code, Sections 841(a)(1) and (b)(1)(A)(viii), and 846.

13 Count Two
14 (Distribution of a Controlled Substance)

15 That on or about May 9, 2019, in the State and Federal District of Nevada,

16 Gregorio Godinez,

17 the defendant herein, did knowingly and intentionally distribute 50 grams or more of a
18 mixture and substance containing a detectable amount of methamphetamine, a Schedule II
19 Controlled Substance, in violation of Title 21, United States Code, Sections 841 (a)(1) and
20 (b)(1)(B)(viii).

21 Count Three
22 (Distribution of a Controlled Substance)

23 That on or about June 5, 2019, in the State and Federal District of Nevada,

Gregorio Godinez,

1 the defendant herein, did knowingly and intentionally distribute 50 grams or more of a
2 mixture and substance containing a detectable amount of methamphetamine, a Schedule II
3 Controlled Substance, in violation of Title 21, United States Code, Sections 841 (a)(1) and
4 (b)(1)(B)(viii).

5 Count Four
6 (Distribution of a Controlled Substance)

7 That on or about June 20, 2019, in the State and Federal District of Nevada,
8 Gregorio Godinez,
9 the defendant herein, did knowingly and intentionally distribute 50 grams or more of a
10 mixture and substance containing a detectable amount of methamphetamine, a Schedule II
11 Controlled Substance, in violation of Title 21, United States Code, Sections 841 (a)(1) and
12 (b)(1)(B)(viii).

13 Count Five
14 (Possession with the Intent to Distribute a Controlled Substance)

15 That on or about July 2, 2019, in the State and Federal District of Nevada,
16 Gregorio Godinez, and
17 Elio Ramirez-Guerrero,
18 defendants herein, did knowingly and intentionally possess with the intent to distribute 500
19 grams or more of a mixture and substance containing a detectable amount of
20 methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United
21 States Code, Sections 841 (a)(1) and (b)(1)(A)(viii).

22 Count Six
23 (Possession of a Firearm in Furtherance of a Drug Trafficking Crime)

That on or about July 2, 2019, in the State and Federal District of Nevada,

Gregorio Godinez,

1 defendant herein, did knowingly possess a firearm in furtherance of a drug trafficking crime
2 for which he may be prosecuted in a Court of the United States, that is, Conspiracy to
3 Distribute Controlled Substances as charged in Count One and Distribution of a Controlled
4 Substance as charged in Count Five of this Indictment, in violation of Title 18, United
5 States Code, Sections 924(c)(1)(A)(i).

6 Count Seven
7 (Possession of a Firearm by a Prohibited Person)

8 On or about July 2, 2019, in the State and Federal District of Nevada,

9 Gregorio Godinez,

10 defendant herein, having been convicted of a crime punishable by imprisonment for a term
11 exceeding one year, did knowingly possess a firearm, that is, a silver 9 mm semi-automatic
12 handgun (Model 1911), said firearm having been shipped and transported in interstate
13 commerce, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

14 Complainant, as a Special Agent with the Drug Enforcement Administration, states
15 the following as and for probable cause:

16 1. I am a Special Agent ("SA") with the Drug Enforcement Administration
17 ("DEA") and have been so employed since September 2018. I am an "investigative or law
18 enforcement officer" of the United States and am empowered by law to conduct
19 investigations, make arrests, and execute search warrants. I am currently assigned to the
20 DEA Las Vegas District Office ("LVDO"). Within the LVDO, I am assigned to the Clark
21 County Gang Task Force ("CCGTF"). Prior to attaining sworn status as a SA, I was
22 employed by DEA and received approximately 17 weeks of training in narcotics
23 trafficking investigations and related legal matters at the DEA Training Academy in
Quantico, Virginia.

1 2. Prior to employment with DEA, I was a commissioned law enforcement
2 officer in the State of New Mexico for more than 13 years. While serving as a law
3 enforcement officer in the State of New Mexico, I served in several capacities within both
4 patrol and criminal investigations divisions. During my tenure as a law enforcement
5 officer in the State of New Mexico, I conducted numerous investigations, to include drug
6 trafficking, complex conspiracies, and money laundering.

7 3. During the course of my law enforcement career, I have received several
8 hundred hours of comprehensive, formalized instruction to include such topics as drug
9 identification, money laundering techniques, patterns of drug trafficking, complex
10 conspiracies, the exploitation of narcotics traffickers' telecommunications devices,
11 criminal law, surveillance, undercover operations, and other investigative techniques.
12 Throughout my career, I have conducted numerous investigations into the unlawful
13 importation, manufacture, possession with intent to distribute, and distribution of
14 narcotics and controlled substances, the laundering of narcotics proceeds, and conspiracies
15 associated with narcotics offenses.

16 4. The following is based on my own investigation or was provided to me by
17 other law enforcement officers.

18 5. I have not included every fact known to me concerning this offense. I have
19 set forth only the facts I believe are essential to establish the necessary foundation for this
20 complaint.

21 6. On May 9, 2019, Gregorio GODINEZ (hereinafter referred to as
22 "GODINEZ") contacted an undercover DEA Task Force Officer (hereinafter referred to
23 as "UC") via telephone and inquired about UC meeting him to purchase

1 methamphetamine. GODINEZ and UC agreed to meet at a specified timeframe.
2 GODINEZ and UC also agreed to meet at the Lowe's parking lot, which is located at
3 2875 Charleston Blvd., Las Vegas, Nevada 89104. At approximately the agreed upon
4 time, UC arrived at the Lowe's parking lot.

5 7. After negotiations about changing the meet location, GODINEZ
6 subsequently arrived in the parking lot. GODINEZ attempted to have the UC move to his
7 location in the parking lot, however the UC was able to convince GODINEZ to park near
8 the UC. GODINEZ subsequently parked next to UC in a gold Toyota Rav4, which had
9 previously been identified. UC exited his vehicle and engaged in a conversation with
10 GODINEZ. During the conversation, GODINEZ expressed his disliking of the location
11 (UC advised that GODINEZ appeared to be nervous and paranoid).

12 8. GODINEZ and UC subsequently conducted a drug transaction.
13 GODINEZ provided UC with blue paper towels that were wrapped around a plastic bag
14 which contained a clear crystallized substance that UC immediately recognized as being
15 consistent with methamphetamine.¹ In return, UC provided GODINEZ with \$1,500.00 of
16 DEA OAF. UC and GODINEZ then discussed a potential future transaction for one
17 pound of methamphetamine. GODINEZ tentatively offered UC a price of \$2,400.00 and
18 stated that he would have to verify the price with "his brother, who is the main guy." UC
19 and GODINEZ subsequently departed the area.

20 9. On the morning of June 5, 2019, UC received an SMS message from
21 GODINEZ. UC and GODINEZ subsequently engaged in a conversation, via SMS
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23 ¹ The suspected methamphetamine was subsequently processed at DEA's Las Vegas District Office. The suspected methamphetamine weighed 262.7 gross grams and yielded a presumptive positive field test for methamphetamine.

1 messages. During the conversation, UC and GODINEZ agreed to meet later in the day
2 and conduct a drug transaction. UC and GODINEZ negotiated for UC to purchase one
3 pound of methamphetamine for \$2,600.00

4 10. A few hours later, UC sent GODINEZ an SMS message and indicated that
5 UC was about to arrive into town (UC's backstory included being from out-of-state). UC
6 and GODINEZ engaged in another conversation via-SMS messaging. During the
7 conversation, UC and GODINEZ engaged in negotiations, in reference to a meet location
8 to conduct the previously agreed upon drug transaction. After several messages, UC
9 finally agreed to meet at a parking lot that GODINEZ had persistently suggested. The
10 agreed upon parking lot was at "Ava's Video Poker Bar," 3935 E. Charleston Boulevard,
11 Las Vegas, Nevada. It should be noted that GODINEZ expressed his comfort with the
12 location, due to his friend being the owner and/or operator of the business.

13 11. A few minutes after agreeing upon a location, UC arrived at the agreed
14 upon meet location. UC drove past Ava's Bar and parked near "Pep Boys" (which is
15 located in the same parking lot, adjacent to Ava's Bar). GODINEZ subsequently walked
16 from Ava's Bar towards UC's vehicle. UC then exited his vehicle and greeted
17 GODINEZ. UC and GODINEZ engaged in a conversation about several topics, to
18 include Ava's Bar and firearms. During the conversation, GODINEZ received a
19 telephone call (confirmed by court authorized pen register, trap and trace device). While
20 on the phone, GODINEZ was heard discussing the arrival of another individual.
21 GODINEZ then told UC, "he is coming right now on a motorcycle" (with the
22 methamphetamine). UC and GODINEZ continued with their conversation. A few
23 moments later, GODINEZ made another telephone call and UC could hear GODINEZ

1 asking an individual where they were at (confirmed by court authorized Pen, Trap and
2 Trace). Upon terminating the call, GODINEZ told UC that he was "going to go back to
3 the bar and bag it up" (referring to the packaging of methamphetamine). GODINEZ then
4 walked back towards Ava's Bar.

5 12. A few minutes later, an unknown male was observed entering the parking
6 lot of Ava's Bar on a motorcycle. The unknown male was wearing a blue shirt and a
7 closed face helmet. The unknown male was observed meeting with GODINEZ near
8 GODINEZ' vehicle. A short time later, GODINEZ' vehicle was observed driving
9 towards UC's vehicle. UC exited his vehicle and met with GODINEZ as UC stood
10 outside of the driver's door of GODINEZ vehicle. GODINEZ had a McDonald's bag in
11 his lap and he gave the bag to UC. UC opened the bag and observed a plastic, vacuum
12 sealed bag, which contained a crystallized substance.² UC gave GODINEZ \$2,600.00
13 OAF, at which time GODINEZ gave the money to the front passenger seat of
14 GODINEZ' vehicle. UC and GODINEZ subsequently gave each other departing
15 salutations and UC entered into his vehicle. UC then departed the parking lot.

16 13. On the morning of June 20, 2019, UC sent a SMS message to GODINEZ.
17 UC and GODINEZ subsequently engaged in a conversation, via-SMS messages. During
18 the conversation, UC and GODINEZ agreed to meet later in the day and conduct a drug
19 transaction. Due to the UC and GODINEZ conducting a one pound drug transaction on
20 June 5, 2019, UC and GODINEZ used short, concise, coded language to agree upon a
21 price and meet location. Specifically, during the conversation, UC specified "same thing,"
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23 ² The suspected methamphetamine was subsequently processed at DEA's Las Vegas District Office. The suspected methamphetamine weighed 503.6 gross grams and yielded a presumptive positive field test for methamphetamine.

1 to which GODINEZ responded with, "Ok." This confirmed that UC would again be
2 purchasing one pound of methamphetamine for \$2,600.00 and the transaction would take
3 place at "Pep Boys" (3995 E. Charleston, Las Vegas, Nevada), which is adjacent to Ava's
4 Bar, 3935 E. Charleston Boulevard, Las Vegas, Nevada.

5 14. Approximately two and a half hours after the first SMS message between
6 UC and GODINEZ, UC arrived in the parking lot of Pep Boys. Just prior to UC's arrival,
7 DEA personnel observed a black Chevrolet Equinox arrive in the parking lot of Ava's Bar.
8 An unknown female exited that vehicle, at which time DEA personnel briefly lost sight of
9 the parking lot (physical barriers passing between line of sight).

10 15. A few minutes later, the UC exited the undercover vehicle (UCV) and
11 observed the black Chevrolet leave the parking lot of Ava's Bar and drive towards the UC.
12 The Chevrolet subsequently pulled into the parking spot next to the UCV. GODINEZ,
13 who was sitting in the back passenger seat, then rolled down the window. The UC
14 approached the Chevrolet and greeted GODINEZ. While greeting GODINEZ, the UC
15 observed two Hispanic males sitting in the front seat of the vehicle. The UC then greeted
16 the two males. Upon greeting everybody, the UC and GODINEZ engaged in conversation
17 and discussed procedures for future drug transactions.

18 16. As the conversation ensued, GODINEZ, who had a black plastic grocery
19 bag on his lap, opened the black bag and showed the UC a clear plastic baggie that
20 contained a crystallized substance. UC immediately recognized the crystallized substance
21 to be consistent with methamphetamine. While GODINEZ was showing the UC the
22 suspected methamphetamine, the UC asked GODINEZ about lowering the price of
23 methamphetamine if the UC purchased a larger quantity (multiple pounds) during future

1 transactions. GODINEZ advised the UC that he would send the UC a SMS message at a
2 later time (with regard to reduced pricing for larger quantities). The UC then took the
3 black bag (containing the suspected methamphetamine)³ and gave GODINEZ the
4 \$2,600.00 OAF. GODINEZ then counted the OAF. Upon GODINEZ completing his
5 count of the OAF, UC gave all three individuals a departing salutation and walked back
6 towards UCV. The UC re-entered the UCV and exited the Pep Boys parking lot, while
7 GODINEZ and the Hispanic males drove back to Ava's Bar.

8 17. On the afternoon of July 1, 2019, UC sent a SMS message to GODINEZ.
9 UC and GODINEZ subsequently engaged in a conversation, via-SMS messages. During
10 the conversation, UC and GODINEZ agreed to meet the next day and conduct a drug
11 transaction for two pounds of methamphetamine. It should noted that GODINEZ had
12 previously asked the UC to provide a one day notice before conducting future drug
13 transactions.

14 18. On the morning of July 2, 2019, GODINEZ and UC confirmed the meet for
15 the drug transaction that had previously been agreed upon. Approximately two hours
16 later, CCGTF personnel established surveillance at 3995 E. Charleston (Pep Boys) and
17 3945 E. Charleston (Ava's Bar). While conducting surveillance, CCGTF personnel
18 observed GODINEZ arrive in the parking lot of Ava's Bar (in his gold Toyota). Several
19 minutes later, CCGTF observed Elio RAMIREZ-Guerrero (hereinafter referred to as
20 "RAMIREZ") arrive in the same parking lot in a blue sedan.

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23 ³ The suspected methamphetamine was subsequently processed at DEA's Las Vegas District Office. The suspected
methamphetamine weighed 421.6 gross grams and yielded a presumptive positive field test for methamphetamine.

1 19. Several minutes after the arrival of GODINEZ and RAMIREZ, UC arrived
2 in the Pep Boys parking lot. CCGTF personnel then observed GODINEZ and
3 RAMIREZ get into GODINEZ' Toyota and drive towards the UCV. Upon arriving at
4 the UCV, GODINEZ and RAMIREZ exited GODINEZ' vehicle and greeted the UC.
5 UC, GODINEZ, and RAMIREZ then engaged in a conversation.

6 20. During the conversation, UC, GODINEZ, and RAMIREZ began to
7 negotiate how the drug transaction would be conducted. Initially, RAMIREZ requested
8 that the UC give him half of the agreed upon price, prior to producing the two pounds of
9 methamphetamine. The UC refused to participate in the suggested arrangement and
10 continued to negotiate with GODINEZ and RAMIREZ. After several minutes of
11 negotiating, GODINEZ and RAMIREZ agreed to retrieve the methamphetamine and
12 deliver it to the UC. GODINEZ and RAMIREZ then left GODINEZ' Toyota parked
13 next to UCV and walked back to the parking lot of Ava's Bar.

14 21. Upon arriving at Ava's Bar, RAMIREZ and GODINEZ got into the blue
15 sedan and departed from the area. DEA personnel conducted mobile surveillance and
16 followed the blue sedan to a house in a nearby neighborhood. GODINEZ was observed
17 exiting the blue sedan, at which time the blue sedan departed from the residence. DEA
18 personnel initially maintained mobile surveillance on the blue sedan, before returning to
19 the residence that GODINEZ was dropped off. Several minutes later, the blue sedan
20 arrived back at the residence and GODINEZ entered the vehicle. The blue sedan
21 subsequently departed from the residence.

22 22. DEA personnel maintained mobile surveillance and followed the blue sedan
23 back to Pep Boys parking lot. Upon arrival to the parking lot, RAMIREZ and/or

1 GODINEZ opened the trunk of the blue sedan, RAMIREZ and GODINEZ exited the
2 vehicle, and both subjects walked to the trunk of the vehicle. GODINEZ was observed
3 retrieving a bag from the trunk of the vehicle, at which time he walked to the rear driver
4 side of his Toyota. GODINEZ then opened the rear driver side door of his Toyota and
5 then placed the bag inside of the Toyota.

6 23. As GODINEZ was placing the bag in the Toyota, UC and RAMIREZ
7 walked to the rear of GODINEZ' Toyota. GODINEZ allowed UC to see a paper bag,
8 which contained what appeared to be two pounds of a crystallized substance. UC
9 immediately recognized the crystallized substance as being consistent with
10 methamphetamine. UC then gave a pre-arranged arrest signal and began to walk to the
11 driver side of UCV.

12 24. CCGTF personnel, displaying large law enforcement markings, then
13 approached RAMIREZ and GODINEZ and identified themselves. RAMIREZ
14 immediately complied with police commands and laid down on the ground. Upon seeing
15 CCGTF personnel approach, GODINEZ swiftly moved to the driver's door of the
16 Toyota, opened the door, and was observed discarding an item that he had retrieved from
17 the area of his waistband. GODINEZ then shut the door and began to swiftly move
18 towards the front of the Toyota. Upon reaching the front of the Toyota, GODINEZ was
19 confronted by CCGTF personnel, at which time GODINEZ finally complied with police
20 commands and laid on the ground. RAMIREZ and GODINEZ were both placed under
21 arrest.

22 25. GODINEZ' Toyota was searched. Prior to entering the vehicle, CCGTF
23 personnel observed a silver 9 millimeter semi-automatic pistol (Model 1911) sitting in the

1 driver's seat of the vehicle. The firearm was sitting in the same place that GODINEZ was
2 observed discarding an item.⁴ In addition, there was a cellular telephone lying next to the
3 firearm. UC subsequently placed a telephone call to GODINEZ' cellular telephone,
4 which was positively identified as the cellular telephone next to the firearm. It should be
5 noted that while interacting with GODINEZ, UC observed GODINEZ holding up his
6 pants. UC advised that GODINEZ' behavior was consistent with carrying something
7 heavy in your waistband, such as a firearm.

8 26. In addition, a brown paper bag was located in the rear driver side seat. The
9 paper bag contained the following: tin foil wrapped around a heat sealed plastic bag,
10 which contained a crystallized substance; a plastic grocery bag, which contained a heat
11 sealed bag that was filled with a crystallized substance.⁵ The aforementioned brown paper
12 bag was the same bag that GODINEZ showed the UC, prior to the arrest of GODINEZ
13 and RAMIREZ.

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22 ⁴ NCIC records show that within the past ten years, GODINEZ has a felony conviction (State of Nevada) for Robbery
with a Deadly Weapon.

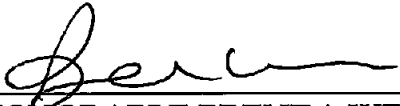
23 ⁵ The suspected methamphetamine was subsequently processed at DEA's Las Vegas District Office. The suspected
methamphetamine weighed 939.0 gross grams and yielded a presumptive positive field test for methamphetamine.

1 27. Based on my training and experience, I believe there is probable cause to
2 believe that GODINEZ and RAMIREZ violated Title 21, United States Code, Sections
3 841(a)(1) and (b)(1)(C), "Distribution of a Controlled Substance," Title 21, United States
4 Code, Section 846, "Conspiracy to Distribute Controlled Substances."

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6 Special Agent Biff Z. Kellum
7 Drug Enforcement Administration
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9 SUBSCRIBED and SWORN to before me
10 this 3rd day of July, 2019

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12 HONORABLE BRENDA WEKSLER
13 UNITED STATES MAGISTRATE JUDGE
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